

**REMARKS**

None of the claims have been amended. Claims 1, 4, 5 and 22-24 are pending and under consideration. No new matter is presented in this Response. Claims 1 and 22 are the independent claims.

**DOUBLE PATENTING:**

Claims 1, 4, 5 and 22-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 11/949,348.

Since claims 1, 4, 5, and 22-24 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

Claims 1, 4, 5 and 22-24 are further provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 11/949,388.

Since claims 1, 4, 5, and 22-24 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

Claims 1, 4, 5 and 22-24 are further provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending

Application No. 11/949,441.

Since claims 1, 4, 5, and 22-24 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

Claims 1, 4, 5 and 22-24 are further provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 11/949,302.

Since claims 1, 4, 5, and 22-24 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims 1, 4, 5 and 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shin (U.S. Patent No. 6,529,458).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary defect information and temporary defect management information are recorded, said temporary defect information comprising position information on a defect area and position information on a replacement area for replacing the defect area, and said temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded.

The Office Action relies on Shin for a teaching of an optical disc including at least one

temporary defective management area in which temporary defect information and temporary defect management information are recorded. In particular, the Office Action relies on the defective management areas, DMA 1, DMA 2, DMA 3 DMA 4, illustrated in FIG. 5 and in step 607, illustrated in FIG. 6 for such teachings.

However, Applicants respectfully note that step 607 represents recording data for replacing the data of a defect block on a position the write command designates. That is, step 607 simply teaches recording replacement data on a disc. Therefore, it is noted that there is no teaching of suggestion of temporary defect information comprising position information on a defect area and position information on a replacement area and temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded.

The Office Action also relies on Shin for a teaching of an access information area in which location information regarding an area in which updated predetermined information is recorded, and in particular, the Office Action relies on Fig. 5, the lead-in area, the data area and the lead-out area, for such teaching.

However, Applicants note that the Office Action provides no explanation whatsoever of why these areas constitute an access information area, as recited in the independent claim.

Finally, the Office Action states that Shin teaches that the location information comprises a physical or logical address of the area in which the temporary defect information is recorded and relies on Fig. 6, step 608, and Fig. 9, steps 906, 907, 908 and 909 for such teaching.

Applicants however, respectfully assert that Shin neither teaches nor suggests this novel feature of independent claim 1, for at least the following reason.

Shin discloses that positional information of the defective blocks is written to particular positions within the data area (step 608). Shin further teaches that such process prevents the defective blocks from being written to or read again (column 5, lines 57-67 and column 6, lines 1-2). In other words, Shin simply discloses writing positional information of the defective area in the data area, and not positional information of the updated area, as recited in independent claim 1.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the

reasons set forth above.

Accordingly, Applicants respectfully assert that the rejection of claims 1 and 22 under 35 U.S.C. § 103(a) should be withdrawn because Shin fails to teach or suggest each feature of independent claims 1 and 22.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5 and 23-24 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claims 1 and 22, respectively and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4-5 and 23-24 also distinguish over the prior art.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 10/14/08

By: Douglas Rodriguez  
Douglas X. Rodriguez  
Registration No. 47,269

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510